

Meeting of 2005-6-14 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JUNE 14, 2005 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr. Also Present:
Presiding Larry Mitchell, City Manager
 John Vincent, City Attorney
 Traci Hushbeck, City Clerk
 COL Keith Herring, Fort Sill Liaison

Mayor Purcell called the meeting to order at 6:00 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Jamie Austin, Youth Pastor from First Assembly of God Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bill Shoemate, Ward One
Rex Givens, Ward Two
 Janice Drewry, Ward Three
 Keith Jackson, Ward Four
Jeffrey Patton, Ward Six (Arrived @ 6:02 p.m.)
 Stanley Haywood, Ward Seven
 Randy Warren, Ward Eight

ABSENT: Robert Shanklin, Ward Five

Mayor Purcell presented to the City Manager and the City Council the Oklahoma State Historic Preservation Officers Citation of Merit in recognition of outstanding accomplishments contributing to the preservation of Oklahoma's heritage. He stated there is a large group of residents in the Lawton-Fort Sill community who are working very diligently on the preservation of historic landmarks and other artifacts.

PRESENTATION OF CITIZEN OF THE MONTH TO MIKE OWENSBY

Edwina Scott, Mayor's Commission on the Status of Women, presented the award for the Citizen of the Month for June 2005 to Mike Owensby. She stated he has made a difference in this community by dedicating countless hours as a volunteer. He has dedicated many hours to the St. John's Baptist Church community feeding program, The Boulevard of Lights, The Lawton Public School Foundation and the Campaign Chair for the Lawton United Way. He serves as the current Board President for the United Way and the Co-Chair for the Backpack for Kids campaign. Mayor Purcell stated that Mr. Owensby is a great member of this community. He presented a Certificate of Congratulations from the State of Oklahoma, a Certificate of Commendation from the Mayor's Office, and a Mayor's Do What's Right coin. Mr. Owensby stated he appreciated the honor and has always said everyone should put back into the community. He encouraged everyone to get involved in the community.

REPORT FROM OKLAHOMA STATE DEPARTMENT OF HEALTH TERRORISM, PREPAREDNESS AND RESPONSE SERVICE AND COMANCHE COUNTY HEALTH DEPARTMENT ON PUBLIC HEALTH EMERGENCY RESPONSE EXERCISE.

Jillian Bradshaw, Oklahoma State Department of Health, stated that Comanche County will be participating in a Bioterrorism Exercise on July 14th. Tulsa, Oklahoma and Comanche Counties are the three counties designated to actively participate in the exercise. Medication will be dispensed to the population in a limited amount of time. The entire community is encouraged to participate in this exercise. A drive through clinic will be set up between 67th and 82nd on Lee Boulevard and will be open from 5:30 to 8:00 a.m. The other clinic will be a walk up clinic at McArthur High School between 11:00 a.m. and 1:00 p.m. Fort Sill will hold a clinic between 6:00 and 10:00 a.m. at the Rhinehart Gym. The Comanche County Health Department will be handling the advertising. She encouraged residents to walk their neighborhood and inform their neighbors. She thanked the City Council and staff, especially the Police and Fire departments, for their support of this exercise. She stated that Federal evaluators will be attending the exercise, and if successful, the state could move up to a green level of preparedness.

Colonel Herring stated that this exercise is a very big deal for Fort Sill. This is the first time that any community has participated with state, county, city and Department of Defense entities all involved in the exercise.

Ms. Bradshaw stated that Fort Sill would set the standard for installations across the world as far as dispensing plans to a mass population.

AUDIENCE PARTICIPATION: None

CONSENT AGENDA: Mayor Purcell requested separate consideration for items 6 and 16.

MOVED by Patton, SECOND by Givens, to approve the Consent Agenda items as recommended with the exception of items 6 and 16. AYE: Jackson, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

1. Consider the following damage claim recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for the claim which is over \$400.00: Lisa and Jim Britton in the amount of \$252.95. Exhibits: Legal Opinion/Recommendation.

2. Consider the following damage claims recommended for denial: Terry Johnson in the amount of \$130.00, State Auto Insurance Companies in the amount of \$10,000.00, and Lavara & Ronald Harris in the amount of \$160.00. Exhibits: Legal Opinions/Recommendations.

3. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in filing and making payment of the judgment in the Workers' Compensation case of Jack Crabtree in the Workers' Compensation Court, Case No. 2005-02376Y. Exhibits: **Resolution No. 05-99**.

4. Consider approving the First Amendment to the Outside Water Sales Contract with Tri-Creek Water Association, Inc., which would increase the maximum number of individual meters from four (4) to eight (8), and authorize the Mayor and City Clerk to execute the amendment. Exhibits: Request Letter, First Amendment is on file in the City Clerk's office.

5. Consider approving annual contract renewals between the City of Lawton and the following: County Commissioners (re: Juvenile Detention Center); J. Roy Dunning (re: Children's Shelter); and Roadback (re: Detoxification Center); Lawton Crimestoppers, Inc. (re: Funds from sale of property in police custody.) Exhibits: Contract on file in the City Clerk's Office

6. Consider accepting donation of funds for purchase of police dog. Exhibits: None.

Chief Ronnie Smith introduced Mr. Bob Williamson who recently moved to Lawton from Colorado. His sister, Susan Ronan, is a 28-year veteran of law enforcement with the Lawton Police Department. Mr. Williamson found out about a Lawton police dog being retired for medical reasons, and has generously offered to donate \$8,000 for the purchase of another dog.

Mayor Purcell thanked Mr. Williamson for his generous contribution to the Lawton Police Department.

MOVED by Givens, SECOND by Shoemate, to accept the donation of \$8,000 for the purchase of a police dog and direct deposit of the same into a fund designated for this purpose. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

7. Consider approving the contract extension and stop loss renewal with our health care benefits third party administrator, Blue Cross Blue Shield Policy #401130. Exhibits: Spreadsheet with options.

8. Consider approving agreements for euthanization services with the City of Cache, City of Granfield and the Town of Medicine Park, and authorize the Mayor and City Clerk to execute the Agreements. Exhibits: Agreements are on file in the City Clerk's office.

9. Consider approving agreements for refuse disposal with the City of Cache, Town of Indianoma, Multiple Community Services Authority and the Town of Temple, and authorize the Mayor and City Clerk to execute the Agreements. Exhibits: Agreements are on file in the City Clerk's office.

10. Consider authorizing the purchase of Sludge Dewatering equipment for the sludge lagoons located on Fort Sill which receives sludge from the Medicine Park Water Treatment Plant (WTP). Exhibits: Letter dated February 23, 2005 from ODEQ.

11. Consider awarding a construction contract to A&E Construction, Co. for the Lake Helen Fish Habitat and Access Improvement Phase II Project #2004-12. Exhibits: None.

12. Consider awarding a construction contract to A&E Construction Co. for the NW Ashby Avenue and NW Ferris Avenue Street Reconstruction Project #2005-1. Exhibits: None

13. Consider acknowledging receipt of permits for the construction of water lines and appurtenances from the Oklahoma Department of Environmental Quality to serve the NE Flower Mound Road (Gore Blvd. to Rogers Lane) Water & Sewer Lines Relocation Project #2004-9, City of Lawton, Comanche County, Oklahoma. Exhibits: Permit is on file in the City Clerk's Office.

14. Consider approving the construction plans for sanitary sewer and storm sewer extensions to serve Bishop School. Exhibits: Location Map

15. Consider a request for a revocable permit for the construction of a handicap ramp and sidewalk to serve a new professional office at 201 SW 7th Street. Exhibits: Site plan, Revocable Permit is on file in the City Clerk's office.

16. Consider awarding contract for 42,000 lb Class Bulldozer (CL05-043). Exhibits: Department recommendation and Abstract of Bids.

Carl Dentler, Deputy Public Works Director, stated in the backup for this item, there are two John Deere bids, one is the 850C, which is not the current year model, and the 850J, which is the current year model. Both have a higher bid when you figure in the buy back at the end of the four year period. This is the basis they used when identifying which piece of equipment to award.

Jim Taylor, a representative of CL Boyd Company, stated on March 29th when the bids were open for the bulldozer, the John Deere 850C was the current production machine and they had not received a 850J model. The repurchase amounts are based on a minimum and there is nothing to keep them from offering more at the end of the four years, if the machine is in good condition.

MOVED by Patton, SECOND by Haywood, to award the contract for a 42,000 lb Class Bulldozer to Warren Power and Machinery, LP of Oklahoma City and authorize the Mayor and City Clerk to execute the contract. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

Mayor requested the Council strike item #34. The initiator is absent.

17. Consider awarding contract for Collection of Overdue Utility Bills (RFPCL05-047). Exhibits: Department recommendation and Abstract of Bids.

18. Consider awarding contract for Precast Concrete Manholes (CL05-053). Exhibits: Department recommendation and Abstract of Bids.

19. Consider approving the following contract extension: A) Bunker Clothing (CL03-049) with Wayest Safety, Inc. Fire, B) Employee Assistance Program (RFPCL04-053) with Deer Oaks EAP Human Resources and C) Rental of Work Clothing (RFPCL04-062) with Cintas Corporation City Wide. Exhibits: None.

20. Consider approval of payroll for the periods of May 23 to June 5, 2005. Exhibits: None.

OLD BUSINESS ITEMS:

21. Consider approving the matrix as recommended by the Mayor's Sign Committee, which outlines the proposed regulations for signs to be installed in the community. Exhibits: Matrix of proposed sign regulations (sent under separate cover), Definitions for proposed sign regulations (sent under separate cover), Chapter 15 proposed amendments (sent under separate cover).

Givens stated that the City Council is not being asked to approve an ordinance. The committee has furnished a matrix for the Council to look at to see if they had any major objections. He stated a lot of the information was pulled from an ordinance from Wichita Falls. The committee unanimously agreed on the information to present to the City Council for approval. This information limits the size of billboards and the number of signs for an individual business. This is all based on either the front footage of the property and in some cases the square footage of the facade. The committee wanted to grandfather in all signs in existence. He stated he would have preferred to have an amortization period so that the nonconforming would have to be removed, but the committee did not agree. The biggest issue for the committee was dealing with dilapidated signs that are all over town. The current ordinance does not allow the city to do much about the issue.

Jackson questioned if the City Council will have to opportunity to work on the details of these guidelines.

Givens stated this information would all have to be reduced to writing. They did not want staff to spend hours reducing this to writing if the City Council was opposed to the general idea. If there were a specific problem it

would be nice to let the committee know of any individual requests.

Jackson stated he does have some detail problems, but would not mind addressing them at a committee meeting. He questioned if there would be another committee meeting scheduled.

Givens stated that it would not be a problem to schedule another committee meeting.

Debra Jones, Acting Planning Director, stated this ordinance would be located in the zoning code, so they are required by law to have at least one public hearing before the City Planning Commission in addition to bring it before the City Council.

Givens questioned if the City Council felt that the committee is on the right track with the guidelines.

Mayor Purcell stated that he hopes that in the new ordinance, the issue of penalties will be addressed.

Jones stated that the guidance given by the committee is to build into Chapter 18 the standard penalty, which is a violation of the municipal code which states that charges could be filed in municipal court. In addition, the City Attorney has prepared a draft ordinance in Chapter 15, which is public nuisances, and would allow the Council to take an additional civil action in district court to abate something they deem to be a nuisance.

Mayor Purcell questioned if temporary signs would fall into this category.

Jones stated yes.

Jackson stated that he would like to address the issue of enforcement. Most of the owners of mom and pop operations are well meaning, good citizens. He would like to be cautious on those who are trying to make a business for their family.

Mayor Purcell stated that they have too many ordinances out there that cannot be enforced.

MOVED by Drewry, SECOND by Shoemate, to accept the guidelines recommended by the Mayor's Sign Committee and move forward with the project. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Patton. NAY: None. MOTION CARRIED.

22. Consider an ordinance amending Section 15-5-503, Article 15-5, Chapter 15, Lawton City Code, 1995, by clarifying the prohibition of parking or storage of vehicles in residentially zoned districts or lots occupied by a dwelling unit and clarifying the specific exceptions and establishing conditions and limitations on the storage or parking in front and side yard areas; and repealing Section 15-5-505 Article 15-5, Chapter 15, Lawton City Code, 1995, providing for severability and establishing an effective date. Exhibits: Ordinance No. 05-____.

Vincent stated this item was brought back to Council to clarify the standard driveway width. It was determined that the standard double car driveway width is 18' on average. In Section one, all driveways that do not exceed 18' and are in existence at this time, will be grandfathered in whether they be gravel, chad, concrete or a combination.

Jackson questioned if they addressed the question of limiting paving materials to permanent paving such as concrete, asphalt, paving stones or brick.

Vincent stated they did grandfather in gravel in certain places, but not in the future.

Mitchell questioned if this would be phased in.

Vincent stated this applies to any new construction after the effective date.

MOVED by Haywood, SECOND by Givens, to adopt Ordinance No. 05-26, waive the reading of the ordinance, reading the title only and establish an effective date. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Patton, Haywood. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-26

An ordinance pertaining to nuisances and health amending Section 15-5-503, Article 15-5, Chapter 15, Lawton City Code, 1995, by clarifying the prohibition of parking or storage of vehicles in residentially zoned districts or lots occupied by a dwelling unit and clarifying the specific exceptions and requiring storage or parking in front and side yard areas which are not driveway areas be allowed only on permanently installed surfaces such as asphalt, concrete, paving stones, or brick and providing surfaces be accessible by the driveway; providing no more than fifty percent (50%) of the total yard area may be used to store or park vehicles in areas zoned R-1 and R-2, and

limiting the total amount of front and side yard area used for parking or storage of vehicles to forty percent (40%); providing vehicles may be stored in rear yard areas so long as they do not create a nuisance with no surfacing requirement; and establishing a time period of one (1) year for compliance; repealing section 15-5-505, article 15-5,

Chapter 15, Lawton City Code, 1995, on non-motorized vehicles, and reserving the number, providing for severability and establishing an effective date.

NEW BUSINESS ITEMS:

23. Hold public hearings and adopt resolutions declaring the structures at: 2005 NW Baldwin Ave (Voluntary), 915 SW C Avenue, 1511 SW Bishop Rd, 1711 NW 45th Street, 524 SW G Avenue, 314 SW Jefferson Avenue, 311 SW I Avenue, 304 SW Washington Avenue, 309 Dearborn Avenue, 1604 SW Roosevelt Ave to be dilapidated public nuisances, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to commence legal action in district court to abate each nuisance. Further authorize Neighborhood Services to solicit bids to raze and remove each dilapidated structure, if necessary. Exhibits: Ten (10) Resolutions, Summary documents with supporting photos and case history are available from Neighborhood Services.

Drewry stated she would like to table 915 SW C Avenue for sixty days.

MOVED by Drewry, SECOND by Shoemate, to table this item for 60 days.

Drewry withdrew the motion so that this item could be discussed.

Jackson stated that this property has been dilapidated for a very long time and why would they table this for sixty more days.

Drewry stated that she and Councilman Shoemate met with the owner who has agreed to make all the recommended repairs. This extra time will give him the opportunity to repair the building.

Jackson questioned if the owner could complete all the repairs in sixty days.

Shoemate stated that the building was sound, but it needs some cosmetic work on the outside. The inside just needs a clean up.

Jackson stated there is a great emphasis on enhancement in the city.

Shoemate stated they stressed that to the owner that the City Council is in the middle of cleaning up Lawton and make it a community to be proud of. The owner of the property gave him his word that he would have it cleaned up.

MOVED by Drewry, SECOND by Shoemate, to table this item for 60 days. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

Shoemate left the meeting at 6:52 p.m.

2005 NW Baldwin Avenue: Melissa Laycock, Neighborhood Services Supervisor, presented photographs of the property. She stated this was at the owner's request for voluntary demolition of the main structure which is fire damaged, and three accessory structures. There have been no utilities since February 2004.

PUBLIC HEARING OPENED.

Barney Ferguson, 1802 NW 17th, stated he wanted to know what will be done with the property. He is the property owner who requested the voluntary demolition.

PUBLIC HEARING CLOSED.

MOVED by Givens, SECOND by Warren, to approve **Resolution No. 05-100** and declare the structure at 2005 NW Baldwin to be dilapidated and a public nuisance. AYE: Patton, Haywood, Warren, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

1511 SW Bishop: Laycock presented photographs of the property. She stated the property was previously brought before City Council in July of 2002, but one mortgage holder was not notified.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Drewry, to approve **Resolution No. 05-101** and declare the structure at 1511 SW Bishop to be dilapidated and a public nuisance. AYE: Haywood, Warren, Givens, Drewry, Jackson, Patton. NAY: None.

MOTION CARRIED.

1711 NW 45th: Laycock presented photographs of the property. She stated the property has been a problem since 2002 when Neighborhood Services Division first secured the property. Since that time the property has been secured three times and the grass has been mowed. There have been no utilities since June 2001.

PUBLIC HEARING OPENED.

Willene Handy, 331 NW 62nd Street, stated the property is basically sound, but just junky. She is getting estimates on how much it would cost to be cleaned up and painted. The ground is shifting which has caused one side of the house to shift. She is getting estimates on fixing this problem.

Vincent stated under the City Code, if the City Council passes the resolution, the owner has thirty days to obtain a remodel or demolition permit. With a remodel permit, the owner has ninety days to fix up the property and bring up to code. If substantial progress is made at the end of the ninety days, City Council can grant an extension.

Steven Handy stated the previous tenant had ideas of moving back in the house, but became physically unable to do so. He stated his mother is in the process of removing the debris.

PUBLIC HEARING CLOSED.

MOVED by Givens, SECOND by Patton, to approve **Resolution No. 05-102** and declare the structure at 1711 NW 45th Street to be dilapidated and a public nuisance. AYE: Warren, Givens, Drewry, Jackson, Patton, Haywood. NAY: None. MOTION CARRIED.

524 SW G Avenue: Laycock presented photographs of the property. She stated Neighborhood Services first secured the property in 2003. There have been no utilities since November 1999.

PUBLIC HEARING OPENED.

Tony Reese, stated he purchased the property at the end of November. He just discovered the notice earlier that afternoon. He bought the house to remodel. The front porch is deteriorating which makes the rest of the house look bad. He plans on removing the porch. The house has been vacant since 1999 and he plans on working on the house this summer. He requested that the City Council table this item for sixty days.

Jackson questioned if Mr. Reese can apply for the remodel permit within the next thirty days.

Mr. Reese stated he needs an opinion from a city engineer as to whether the structure can be fixed or if it needs to be torn down. The home seems sturdy to him.

Vincent stated the house would need to be brought up to city code

Haywood stated this house is an eyesore and something needs to be done.

Mr. Reese stated that he and his brother in law wanted to turn the property into an antique store. He is going to look into some help with the restoration.

Givens stated that Mr. Reese has had the property for six months and questioned if he had done any work on the property.

Mr. Reese stated that during the winter it is very difficult to work on the house. He normally works on his houses in the summer time when the days are longer. He stated he was also upset that the notice was not mailed to his home.

Vincent stated that staff is required by state statute to pull the addresses of record in the Comanche County Treasurers Office. Those addresses are updated every year. There was no record in the treasurer s office at the time staff researched that showed Mr. Reese as the owner of the property.

Jackson stated that he believes Mr. Reese when he says he will update the property. He suggested that Council allow Mr. Reese sixty days to start work on his property.

PUBLIC HEARING CLOSED.

MOVED by Jackson, SECOND by Patton, to table this item for 60 days. AYE: Givens, Drewry, Jackson, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

314 SW Jefferson: Laycock presented photographs of the property. She stated the main structure and accessory structure is in poor condition. The windows are boarded over but the front door is unsecured. Electric service is connected, but no gas. The structure is currently occupied.

PUBLIC HEARING OPENED.

Robert Powell, 705 SW Monroe, stated his son lives in the property. The window has been broken out by kids in the neighborhood. He stated an inspector came by the day before and said that everything was okay and he would work with his son. He wants to know what he needs to do.

Laycock stated the inspector came out to the property and told his son that the fence was dilapidated and there was junk and debris on the property. She stated that the inspector did not say that everything was okay.

Haywood questioned how long it would take to fix things up.

Mr. Powell stated he has never received a list of violations. He would come down and talk with the inspectors.

PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Jackson, to approve **Resolution No. 05-103** and declare the structure at 314 SW Jefferson to be dilapidated and a public nuisance.

SUBSTITUTE MOTION by Warren, to table the item for 60 days.

Motion failed due to a lack of a second.

Warren stated he would rather not do this anymore if the Council is going to table the items for residents they know. He has fought this battle for seven years.

Jackson stated that the difference with this property is that the owner has no intention of upgrading his property. He just wants the city to leave him alone.

Warren stated that the previous property owner purchased the property six months ago and has done no repairs. He hasn't even spent enough time on the property to see a notice posted on the door, but yet he knows someone on the Council. This is not a government for the people they know, but for everyone in the city of Lawton.

Jackson stated that Mr. Reese only had notice of this hearing for an hour. Mr. Powell has no intention of cleaning up his property.

VOTE ON ORIGINAL MOTION: AYE: Givens, Drewry, Jackson, Patton, Haywood. NAY: Warren. MOTION CARRIED.

311 SW I Avenue: Laycock presented photographs of the property. She stated the main structure is boarded and secured and not occupied. There is no gas or electric.

PUBLIC HEARING OPENED.

Adam Hampton, 5001 Avalon, stated he just returned from Canada to fix up the property. He stated he would not dispute the fact that the property is old, but the structure is sound. The house has been rewired and the plumbing has been totally replaced. His brother started the work but has been unable to finish. He requested that the City Council give him an opportunity to fix the property. He is waiting for his building permit to be approved.

Haywood stated that this is a sound house. He questioned how long it would take to get the house in shape.

Mr. Hampton stated he is hoping he can get it done in less than six weeks. He stated he has been to City Hall two or three times trying to get to the point where he can work on the property.

Mayor Purcell clarified that if the Council passes the resolution tonight it means that Mr. Hampton has thirty days to get a permit, then ninety days to bring it up to code.

Mr. Hampton questioned if he had to post a bond.

Mayor Purcell stated that he would have to post the bond. He does not understand what it takes to post the bond.

Vincent stated there are two types of bonds, a cash escrow account through a bank, and the other is commercial surety bond which can be obtained from an insurance agent.

Warren questioned if the bond could be waived.

Vincent stated no.

Kum Sun Hampton, 5001 Avalon, stated they have installed new central air. The house was a duplex and they are trying to make it into one house. She stated she is not a rich woman. The house just needs new drywall on the inside.

Edward Hampton, Jr., stated he has talked with Neighborhood Services staff and he is trying to help his mother with her property. His brother has been waiting to work on this property but has been unable to get the permit. There is no need for his family to even be at this hearing, they are trying to get things done. Everything in the house is new including the wiring and the plumbing. He said his mother is trying to take care of all her property.

PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Jackson, to approve **Resolution No. 05-104** and declare the structure at 311 SW I Avenue to be dilapidated and a public nuisance. AYE: Warren, Givens, Drewry, Jackson, Patton, Haywood. NAY: None. MOTION CARRIED.

304 SW Washington: Laycock presented photographs of the property. She stated the property has been mowed and secured since 2000. There is electric service, but no gas or water.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Drewry, to approve **Resolution No. 05-105** and declare the structure at 304 SW Washington to be dilapidated and a public nuisance. AYE: Givens, Drewry, Jackson, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

309 Dearborn: Laycock presented photographs of the property. She stated the property was previously brought to City Council in February 2005, during that time the property was sold. The new owner had requested the voluntary demolition, but has yet to demolish the property. It is being brought back to ensure that the owner is notified properly.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Jackson, to approve **Resolution No. 05-106** and declare the structure at 309 Dearborn to be dilapidated and a public nuisance. AYE: Givens, Drewry, Jackson, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

1604 SW Roosevelt: Laycock presented photographs of the property. She stated the property is fire damaged. There have been no utilities since January 1991. Individuals have been using the yard space to store vehicles and parts.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Jackson, to approve **Resolution No. 05-107** and declare the structure at 1604 SW Roosevelt to be dilapidated and a public nuisance. AYE: Drewry, Jackson, Patton, Haywood, Warren, Givens. NAY: None. MOTION CARRIED.

24. Consider approving an ordinance amending Section 10-1-113, Article 10-1, Chapter 10, Lawton City Code, 1995, by adding the language enabling the City of Lawton to utilize federal contracts, providing for severability and declaring an emergency. Exhibits: Ordinance No. 05-____.

Rick Endicott, Finance Director, stated this ordinance would add a word that would allow staff to buy off of federal contracts. Currently they can buy off of state contracts, but by city code are unable to buy off federal contracts.

Givens stated that he had read in the National League of Cities newsletter, that a municipality was using reverse bidding on the internet.

Mitchell questioned if the article gave a company name or were they doing this internally.

Endicott stated they are not using the reverse bidding, but use Bid Net.

Givens stated the article said the municipality was saving thousands of dollars.

Endicott stated he would check it out.

MOVED by Patton, SECOND by Warren, to adopt Ordinance No. 05-27, waive the reading of the ordinance, reading the title only and declare an emergency. AYE: Jackson, Patton, Haywood, Warren, Givens, Drewry. NAY: None. MOTION

CARRIED.

(Title read by City Attorney)

Ordinance 05-27

An ordinance pertaining to finance and taxation amending Section 10-1-113, Article 10-1, Chapter 10, Lawton City Code, 1995, by adding the language enabling the City of Lawton to utilize federal contracts, providing for severability and declaring an emergency.

25. Consider an ordinance amending Section 1-1-119, Article 1-1, Chapter 1, Lawton City Code, 1995, by increasing the maximum City criminal penalties and increase the minimum amount per day to work off a fine in City jail, providing for severability, and declaring an emergency. Exhibits: Ordinance No. 05-____.

Vincent stated on November 1st, 2004, the Oklahoma Legislature put into effect a statute increasing the ability of municipalities without courts of record to increase fines not to exceed \$750 and to require that when a person goes to jail for non payment of the fine, it is a credit of \$25 a day instead of \$5. He stated this does not apply to those cases where the fines are set by state statute.

MOVED by Warren, SECOND by Patton, to adopt Ordinance No. 05-28, waive the reading of the ordinance, reading the title only and declaring an emergency. AYE: Givens, Drewry, Jackson, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-28

An ordinance pertaining to general provisions amending Section 1-1-119, Article 1-1, Chapter 1, Lawton City Code, 1995, by increasing the maximum City criminal penalties when otherwise provided by State law and increase the minimum amount per day to work off a fine in City jail, providing for severability, and declaring an emergency.

26. Consider an ordinance amending Section 16-5-1-507, Division 16-5-1, Article 16-5, Chapter 16, Lawton City Code, 1995, by prohibiting acceptance of fees for fortune telling, providing for severability and declaring an emergency. Exhibits: Ordinance No. 05-____.

Vincent stated the next series of items are clean up ordinances. The state law on this subject was redefined, so this is just to conform with state law. This does not change anything that we are already doing.

MOVED by Warren, SECOND by Drewry, to adopt Ordinance No. 05-29, waive the reading of the ordinance, reading the title only and declaring an emergency. AYE: Givens, Drewry, Jackson, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-29

An ordinance pertaining to offenses and crimes amending Section 16-5-1-507, Division 16-5-1, Article 16-5, Chapter 16, Lawton City Code, 1995, by prohibiting acceptance of fees for fortune telling, providing for severability and declaring an emergency.

27. Consider an ordinance amending Section 23-5-540, Article 23-5, Chapter 23, Lawton City Code, 1995, by modifying the requirement for the use of child passenger restraint system for certain children, providing for severability and declaring an emergency. Exhibits: Ordinance No. 05-____.

Warren questioned what were the requirements for children over the age of thirteen.

Vincent stated they would be required to wear a seatbelt. They are not required to wear a seat belt if riding in the back seat.

Warren questioned if under Oklahoma law, children are allowed to ride in the back of pickups.

Vincent stated yes.

MOVED by Warren, SECOND by Patton, to adopt Ordinance No. 05-30, waive the reading of the ordinance, reading the title only and declaring an emergency. AYE: Drewry, Jackson, Patton, Haywood, Warren, Givens. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-30

An ordinance pertaining to vehicles and traffic, amending Section 23-5-540, Article 23-5, Chapter 23, Lawton City Code, 1995, by modifying the requirement for the use of child passenger restraint system for certain children, providing for severability and declaring an emergency.

28. Consider an ordinance amending Section 5-2-203, Article 5-2, Chapter 5, Lawton City Code, 1995, by

prohibiting the interference, harming or killing of a service dog used for the benefit of a handicapped person, providing for severability and declaring an emergency. Exhibits: Ordinance No 05-____.

Vincent stated this is a law that the state enacted November 1st to protect working service dogs for the handicapped.

Warren questioned if there was anything in the code that states a person cannot kick, mutilate or injure an ordinary dog.

Vincent stated the code does deal with inhumane treatment of animals. The state has special rules for service dogs.

MOVED by Warren, SECOND by Patton, to adopt Ordinance No. 05-31, waive the reading of the ordinance, reading the title only and declaring an emergency. AYE: Jackson, Patton, Haywood, Warren, Givens, Drewry. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 05-31

An ordinance pertaining to animals, amending Section 5-2-203, Article 5-2, Chapter 5, Lawton City Code, 1995, by prohibiting the interference, harming or killing of a service dog used for the benefit of a handicapped person, providing for severability and declaring an emergency.

29. Consider an ordinance amending Section 23-5-509, Article 23-5, Chapter 23, Lawton City Code, 1995, by establishing a minimum fine for any individual convicted of overtaking a school bus, providing for severability and declaring an emergency. Exhibits: Ordinance No. 05-____.

Vincent stated this is a clean up ordinance because the state established a minimum fine. The minimum fine will be \$100.

Mayor Purcell questioned if the city could change the amount of the fine.

Vincent stated the Council could establish the maximum fine up to \$750 but not less than \$100.

Mayor Purcell stated he felt that \$100 is not enough to discourage drivers from passing stopped school buses.

Patton suggested amending the minimum amount to \$500.

Warren questioned if the Council could bring back the city seat belt ordinance and increase those fines.

Vincent stated no because the seat belt ordinance is worded different by the state.

MOVED by Warren, SECOND by Jackson, to adopt Ordinance No. 05-32 amending the minimum penalty to \$300, waive the reading of the ordinance, reading the title only declaring an emergency. AYE: Patton, Haywood, Warren, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 05-32

An ordinance pertaining to vehicles and traffic amending Section 23-5-509, Article 23-5, Chapter 23, Lawton City Code, 1995, by providing for minimum penalty for an individual convicted of overtaking a school bus, providing for severability and declaring an emergency.

30. Consider an ordinance amending Section 23-2-209, Article 23-2, Chapter 23, Lawton City Code, 1995, by prohibiting the possession or use of a traffic signal preemption device, providing for severability and declaring an emergency. Exhibits: Ordinance No. 05-____.

Vincent stated that a preemption device is a mechanism that emergency vehicles use to trigger stop lights and preempt regular operation.

MOVED by Warren, SECOND by Patton, to adopt Ordinance No. 05-33, waive the reading of the ordinance, reading the title only and declaring an emergency. AYE: Patton, Haywood, Warren, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 05-33

An ordinance pertaining to vehicles and traffic amending Section 23-2-209, Article 23-2, Chapter 23, Lawton City Code, 1995, by prohibiting the possession or use of a traffic signal preemption device, providing for severability and declaring an emergency.

31. Consider an ordinance adding Section 16-4-4-472, Division 16-4-4, Article 16-4, Chapter 16, Lawton City Code, 1995, by requiring persons to pass through a security checkpoint, providing for severability, codification, and declaring an emergency. Exhibits: Ordinance No. 05-_____.

Vincent stated this ordinance is in accordance with the new state law. If the city wants jurisdiction in Municipal Court, it would require persons that pass by security checkpoints to be subject to criminal penalties. There is a requirement for the person at the security checkpoint to post signs about the security checkpoint.

MOVED by Warren, SECOND by Patton, to adopt Ordinance No. 05-34, waive the reading of the ordinance, reading the title only and declaring an emergency. AYE: Givens, Drewry, Jackson, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-34

An ordinance pertaining to offense and crimes creating Section 16-4-4-472, Division 16-4-4, Article 16-4, Chapter 16, Lawton City Code, 1995, by requiring persons to pass through a security checkpoint, providing for severability, codification, and declaring an emergency.

32. Consider approving an ordinance amending Section 6-7-1-702, Division 6-7-1, Article 6-7, Chapter 6, Lawton City Code, 1995, by amending the tenure of members of the Building Development Appeal Board, providing for severability and declaring an emergency. Exhibits: Ordinance No. 05-_____.

Mayor Purcell stated he asked for this change because there are some good people on the Building Development Appeal Board that are willing to continue to serve, but the current ordinance prohibits their reappointment. It is hard to find good people who are willing to serve.

Givens stated he sees no problem with this ordinance since any member can be removed for cause.

MOVED by Warren, SECOND by Givens, to adopt Ordinance No. 05-35, waive the reading of the ordinance, reading the title only and declaring an emergency. AYE: Givens, Drewry, Jackson, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-35

An ordinance pertaining to buildings, construction and housing amending Section 6-7-1-702, Division 6-7-1, Article 6-7, Chapter 6, Lawton City Code, 1995, by amending the tenure of members of the Building Development Appeal Board, providing for severability and declaring an emergency.

33. Consider approving an ordinance amending Section 2-1-1-103, Division 2-1-1, Article 2-1, Chapter 2 Lawton City Code, 1995, pertaining to the annual salary for the Mayor and the City Council, providing for severability and establishing an effective date. Exhibits: Charter Section C-2-3, Ordinance No. 05-_____.

Vincent stated that the effective date proposed in the ordinance is August 1, 2005.

MOVED by Givens, SECOND by Drewry, to adopt Ordinance No. 05-36, waive the reading of the ordinance, reading the title only and establish an effective date of August 1, 2005. AYE: Drewry, Jackson, Givens, Patton, Warren. NAY: Haywood. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-36

An ordinance pertaining to administration amending Section 2-1-1-103, Division 2-1-1, Article 2-1, Chapter 2 Lawton City Code, 1995, by specifying the amount of compensation to be provided annually to the Mayor and members of the City Council, providing for severability and declaring an effective date.

34. Consider waiving Council Policy 1-6 and if waived, reconsider Resolution 05-75, and take appropriate action if necessary. Exhibits: Resolution 05-75, Memo from Randy Henning, Memo from City Manager.

This item was stricken.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Councilman Haywood stated the Juneteenth celebration will be held June 17th and 18th at Patterson Center.

Mitchell reminded Council that LURA will be having a public hearing on Thursday, June 16th @ 6:00 pm for the 2nd Street Redevelopment Plan.

Mayor Purcell stated that he received a letter from DPCA requesting a support letter to offer local veterans an opportunity to play golf at the Ft. Sill golf courses. City Council agreed to send letter of support for the proposal.

Mayor Purcell stated he would be out of town from June 16th to July 3rd. Councilman Warren will serve as Mayor Pro Tem.

The Mayor and Council convened in executive session at 8:11 p.m. and reconvened in regular, open session at 8:31 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

35. Pursuant to Section 307B(4) Oklahoma Statutes, consider convening in executive session to discuss the lawsuit styled Beneficial Oklahoma, Inc., vs. Ricky S. Robson, et al., Comanche County District Court Case No. CJ-2004-292, and if necessary, take appropriate action in open session. Exhibits: None

Vincent read the title of Item 35 shown above. He said the Council was briefed on the current status of the case.

MOVED by Warren, SECOND by Haywood, to approve the retainer agreement for professional legal services with Wade and Mackey Law Firm to correct the title defect relative to the notice of Sheriff s sale in Comanche County District Court Case No. CJ-2004-292 Beneficial Oklahoma, Inc., vs. Ricky S. Robson, et al. and authorize the Mayor and City Clerk to execute the agreement. AYE: Patton, Haywood, Warren, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

36. Pursuant to Section 307B.1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the continued employment of John H. Vincent, Jr. as City Attorney, and in open session, consider approving an employment agreement with John H. Vincent, Jr. as City Attorney and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Employments Agreement Summary, Agreement on file in City Clerk s Office.

MOVED by Haywood, SECOND by Warren, to approve the employment agreement with John H. Vincent, Jr. as City Attorney to go into effect July1, 2005, at an annual salary of \$90,000 beginning the first pay period in July 2005 and authorize the Mayor and City Clerk to execute the agreement. AYE: Drewry, Jackson, Patton, Haywood, Warren, Givens. NAY: None. MOTION CARRIED.

There being no further business to consider, the meeting adjourned at 8:35 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK

ADJOURNMENT